

Species 2: claims 5 and 7/5, drawn to a wide band normal incident telescope with continuous changes in the depth of the multi-layer reflective films based on their location on a surface;

Species 3: claims 6 and 7/6, drawn to a wide band normal incident telescope with two surfaces containing multi-layer reflective films; and

Species 4: claim 10, drawn to a wide band normal incident telescope with a super-conducting tunnel junction device.

This requirement is unusual, since an Election of Species Requirement is usually given based on different figures, whereas a Restriction Requirement is based on claims. It appears that the Examiner has confused requirements and has, in fact, issued a Restriction Requirement since different groups of claims were set forth in the Election of Species requirement.

Accordingly, Applicants are treating this Office Action as a Restriction Requirement and not as an Election of Species Requirement. In the event that the Examiner intended to issue an Election of Species Requirement, it is respectfully requested that the Examiner not enter the present response and instead issue a new Office Action in which the Applicant is requested to elect between certain groups of figures, and not certain groups of claims.

Accordingly, in response to this Restriction Requirement, Applicant hereby elects Group 1, claims 1-4, 7/1, 7/2 and 8-9. This election is with traverse.

It is respectfully submitted that it should be no undue burden on the Examiner to consider all claims in the single application.

Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

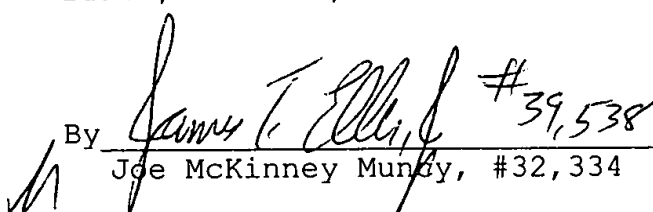
In the event there are any outstanding matters remaining in this application, the Examiner is invited to contact the undersigned (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

 #39,538  
Joe McKinney Mundy, #32,334

KM/asc  
1794-0146P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000